

### **REMARKS**

A Request for Continued Examination is being filed concurrently herewith. The specification was editorially revised by the Amendment that was filed on September 9, 2008, and claims 1 and 9-12 have now been amended. Claims 1-12 remain in the application. Applicant reserves the right to pursue the original claims and other claims in this and other applications

Claims 1-12 (all pending claims) are rejected under 35 U.S.C. § 102 as being anticipated by Mine. Reconsideration is respectfully requested. Claim 1, as amended, recites a controller that manages a recorded region such that the recorded region is distinguished as an unrecorded region. That is, claim 1 recites “a controller that manages the first region recorded with the dummy data such that the first region is distinguished as one of the unrecorded regions.” This is an important aspect of the claimed invention. Please refer, for example, to Fig. 4, Steps S3 and S4, and page 22, lines 13-15, of Applicant’s specification.

In the Mine system, in contrast to the invention of claim 1, a block that contains finalization data is represented as recorded. In one embodiment, shown in Fig. 14A, Mine would set “1” in a conventional WBBM to represent that the block is recorded, and set “0” in a user WBBM to represent that the block contains finalization data (column 10, lines 58-65). In another embodiment, shown in Fig. 14B, two bits would be used. One bit would represent that the block is recorded. The other bit would represent that the block contains finalization data (column 11, lines 14-18).

The Office Action, page 4, contends that Mine “discloses that the user bitmap is used to show that the regions with dummy data are labeled as unrecorded.” The contention is not correct. The user bit map discussed in Mine, starting at column 10, line 57, does not label (and is not “used to show”) blocks as either recorded or unrecorded. Instead, the user bit map represents whether blocks contain user data or finalization data (column 10, lines 63-65).

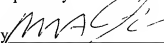
Mine fails to disclose or suggest “a controller that manages the first region recorded with the dummy data such that the first region is distinguished as one of the unrecorded regions,” as recited in amended claim 1. Therefore, for at least this reason, claim 1, as amended, should be allowable.

The arguments in the Advisory Action (September 23, 2008), page 2, do not relate to the claimed invention. The “unrecorded regions” of claim 1 are defined within the claim as being “regions without any data recorded” (claim 1, line 4). Although dummy data regions in the Mine system might be recognized as not having any meaningful data, they are not recognized or distinguished as being “without any data.” Claim 1 recites a “controller that manages [a] region recorded with . . . dummy data such that the [dummy data] region is distinguished as one of the unrecorded regions,” i.e., as one “without any data recorded.” Mine fails to disclose or suggest the controller of claim 1.

Claims 2-8 depend from claim 1 and should be allowable along with claim 1 and for other reasons. The remaining claims, claims 9-12, recite limitations similar to those discussed above, and should be allowable along with claim 1 and for other reasons. Accordingly, allowance of the application with claims 1-12 is solicited.

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Respectfully submitted,

By   
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